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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,693	01/22/2004	Romain Pillard	945-011666-US (PAR)	5263
2512	7590	10/19/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			OSELE, MARK A	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,693

Applicant(s)

PILLARD, ROMAIN

Examiner

Mark A. Osele

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Steiner et al. (U.S. Patent 6,273,602). Steiner et al. shows an apparatus comprising a supple steel wire, 11, overmoulded with a silicone elastomer, 35. The supple part is connected to a rigid part, 10, by a fixation means comprising a slideway, 23 (column 2, lines 36-43; column 3, lines 5-11, 33-36, 50-67). Regarding claims 2 and 9, the arrangement of the level on an envelope conveyor deck and allowing for moistening envelope flaps are limitations of intended use which are not given patentable weight in an article claim.

3. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin (U.S. Patent 6,273,602). Chin shows an apparatus comprising a supple steel wire, 510, overmoulded with a silicone elastomer (column 5, lines 64-67). The supple part, 510, is connected to a rigid part, 500, by a fixation means comprising a slideway (column 6, lines 3-6). Regarding claims 2 and 9, the arrangement of the level on an envelope conveyor deck and allowing for moistening envelope flaps are limitations of intended use which are not given patentable weight in an article claim.

4. Claims 1-3, 5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Traintinger (U.S. Patent 6,273,602). Traintinger shows an apparatus comprising a supple steel wire, 16, surrounded by a silicone elastomer, 15. The supple part is connected to a rigid part, 13, by a fixation means comprising a hinge, 14. Regarding claims 2 and 9, the arrangement of the level on an envelope conveyor deck and allowing for moistening envelope flaps are limitations of intended use which are not given patentable weight in an article claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner et al. (U.S. Patent 6,273,602). As shown in paragraph 2 above, Steiner et al. shows the instantly claimed invention but fails to specifically state that the fixation means comprises a plastic material. Steiner et al. discloses that the fixation means comprising the handle is molded (column 3, lines 50-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made make the fixation means of Steiner et al. of a plastic material because handles are conventionally made of plastic and materials that are molded are typically plastics.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3, line 3 includes the limitation that the steel wire is of "a minimum diameter" but there is no indication what the range of diameters could constitute the wire, therefore, a minimum diameter is indefinite.

***Allowable Subject Matter***

9. Claim 10 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art suggests a feed module of a franking machine to comprise an envelope flap separator which has a supple part as the active zone of separation.

***Response to Arguments***

11. Applicant's arguments, see sections 3 and 4 of applicant's arguments, filed April 7, 2006, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been

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withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Steiner et al., Chin, and Traitingner.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iimura shows silicone coated steel wires.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name.

**MARK A. OSELE**  
**PRIMARY EXAMINER**

October 14, 2006